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## NOTICE OF ALLOWANCE AND FEE(S) DUE

28960 7590 04/13/2009

HAVERSTOCK & OWENS LLP  
162 N WOLFE ROAD  
SUNNYVALE, CA 94086

EXAMINER

MERED, HABTE

ART UNIT

PAPER NUMBER

2416

DATE MAILED: 04/13/2009

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/082,637

02/22/2002

Glen David Stone

SONY-16500

3668

TITLE OF INVENTION: METHOD OF AND APPARATUS FOR PROVIDING ISOCHRONOUS SERVICES OVER SWITCHED ETHERNET INCLUDING A HOME NETWORK WALL PLATE HAVING A COMBINED IEEE 1394 AND ETHERNET MODIFIED HUB

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO           | \$1510        | \$300               | \$0                  | \$1810           | 07/13/2009 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

28960 7590 04/13/2009

**HAVERSTOCK & OWENS LLP**  
162 N WOLFE ROAD  
SUNNYVALE, CA 94086

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

|                    |
|--------------------|
| (Depositor's name) |
| (Signature)        |
| (Date)             |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/082,637      | 02/22/2002  | Glen David Stone     | SONY-16500          | 3668             |

TITLE OF INVENTION: METHOD OF AND APPARATUS FOR PROVIDING ISOCHRONOUS SERVICES OVER SWITCHED ETHERNET INCLUDING A HOME NETWORK WALL PLATE HAVING A COMBINED IEEE 1394 AND ETHERNET MODIFIED HUB

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| nonprovisional | NO           | \$1510        | \$300               | \$0                  | \$1810           | 07/13/2009 |

| EXAMINER     | ART UNIT | CLASS-SUBCLASS |
|--------------|----------|----------------|
| MERED, HABTE | 2416     | 370-401000     |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/082,637  | 02/22/2002  | Glen David Stone     | SONY-16500          | 3668             |
| 28960   | 7590        | 04/13/2009           | EXAMINER            |                  |
| HAVERSTOCK & OWENS LLP<br>162 N WOLFE ROAD<br>SUNNYVALE, CA 94086 |             |                      | MERED, HABTE        |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2416                |                  |
| DATE MAILED: 04/13/2009   |             |                      |                     |                  |

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1122 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1122 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

|                               |                        |                     |  |
|-------------------------------|------------------------|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 10/082,637             | STONE ET AL.        |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | HABTE MERED            | 2416                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/20/09.
2. ☒ The allowed claim(s) is/are 1,3-5,7,8,10-13,15-23,25-34,36-40,42 and 44 (renumbered 1-36).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

/Aung S. Moe/  
Supervisory Patent Examiner, Art Unit 2416

### **DETAILED ACTION**

1. The after final amendment filed on 3/20/2009 has been entered and fully considered.
2. All of the base independent claims 1, 8, 19, 29, 40, 42, and 44 are amended.  
Claims 2, 6, 9, 14, 24, 35, 41, 43, and 45 are cancelled.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jonathan O. Owens (37, 902) on 4/10/08.

4. The application has been amended as follows:
  - a. In line 13 of claim 1, the phrase "operates according to IEEE 1394 protocol" is replaced with the phrase - - supports IEEE 1394 isochronous traffic and IEEE 1394 asynchronous traffic - -
  - b. In the last two lines of claim 1, the phrase "operates according to ethernet protocol" is replaced with - - supports Ethernet traffic - -
  - c. In line 18 of claim 8, the phrase "operates according IEEE 1394 protocol" is replaced with the phrase - - supports IEEE 1394 isochronous traffic and IEEE 1394 asynchronous traffic - -

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- d. In the last line of claim 8, the phrase "operates according to ethernet protocol" is replaced with - - supports Ethernet traffic - -
- e. In line 14 of claim 19, the phrase "operates according to IEEE 1394 protocol" is replaced with the phrase - - supports IEEE 1394 isochronous traffic and IEEE 1394 asynchronous traffic - -
- f. In the last two lines of claim 19, the phrase "operates according to ethernet protocol" is replaced with - - supports Ethernet traffic - -
- g. In line 20 of claim 29, the phrase "operates according to IEEE 1394 protocol" is replaced with the phrase - - supports IEEE 1394 isochronous traffic and IEEE 1394 asynchronous traffic - -
- h. In the last line of claim 29, the phrase "operates according to ethernet protocol" is replaced with - - supports Ethernet traffic - -
- i. In line 13 of claim 40, the phrase "operates according to IEEE 1394 protocol" is replaced with the phrase - - supports IEEE 1394 isochronous traffic and IEEE 1394 asynchronous traffic - -
- j. In the last line of claim 40, the phrase "operates according to ethernet protocol" is replaced with - - supports Ethernet traffic - -
- k. In line 20 of claim 42, the phrase "operates according to IEEE 1394 protocol" is replaced with the phrase - - supports IEEE 1394 isochronous traffic and IEEE 1394 asynchronous traffic - -
- l. In the last line of claim 42, the phrase "operates according to ethernet protocol" is replaced with - - supports Ethernet traffic - -

***Allowable Subject Matter***

5. Claims 1, 3, 4, 5, 7, 8, 10-13, 15-23, 25-34, 36-40, 42, and 44 are allowed.

6. Even though independent claim 1 is a method claim that recites a series of steps it is still statutory under U.S.C. 101 in view of the Bilski decision because at the minimum the steps reciting transmission based on first protocol and second protocol in the body of the claim are tied to the first type of device operating according to a first protocol and second type of device operating according to a second protocol of the network recited in the preamble of the claim. Since the limitations in claim 1 are positively tied to the 1<sup>st</sup> and 2<sup>nd</sup> type of devices that accomplish the claimed method steps therefore claim 1 is still statutory under U.S.C. 101 in view of the Bilski decision.

7. The instant Application is not subject to double patenting rejection with respect to US Patent 7, 463, 647 B2 because all of the independent claims of the instant Application recite a unique limitation “..wherein the first protocol has priority over the second protocol, and further wherein the second protocol is prioritized between a first set of traffic and a second set of traffic, wherein the first type of device supports IEEE 1394 isochronous traffic and IEEE 1394 asynchronous traffic and the second type of device supports Ethernet traffic.” None of the claims of US Patent 7, 463, 647 B2 recite a protocol that prioritizes between different set of traffics and a first type of device that supports IEEE 1394 isochronous traffic and IEEE 1394 asynchronous traffic and a second type of device that supports Ethernet traffic.

8. The following is an examiner's statement of reasons for allowance:

**Claim 1 and all of its dependent claims 3, 4, 5, and 7** are allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or suggest a method of transmitting data within a network including one or more of a first type of device operating according to a first protocol and a second protocol and one or more of a second type of device operating according to only the second protocol, wherein devices of the first type and devices of the second type communicate with each other within the network, comprising:

- a. establishing a periodic cycle including a first portion and a second portion;
- b. allowing only transmissions according to the first protocol during the first portion; and
- c. allowing only transmissions according to the second protocol during the second portion,

wherein the first protocol has priority over the second protocol, and further wherein the second protocol is prioritized between a first set of traffic and a second set of traffic, wherein the first type of device **supports IEEE 1394 isochronous traffic and IEEE 1394 asynchronous traffic** and the second type of device **supports Ethernet traffic.**

**Claim 8 and all of its dependent claims 10-13 and 15-18** are allowable over the prior art of record since the cited references taken individually or in combination fail



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to particularly teach or suggest a modified hub device configured for coupling between two or more devices operating according to two or more different protocols and a switching device, wherein devices of the first type and devices of the second type communicate with each other, the hub device comprising:

a. a first interface configured for coupling to and communicating with one or more of a first type of device operating according to a first protocol and a second protocol;

b. a second interface configured for coupling to and communicating with one or more of a second type of device operating according to only the second protocol; and

c. a third interface configured for coupling to and communicating with the switching device, wherein the switching device sends a periodic signal which signals the start of a period having a first portion and a second portion, wherein only communications in the first protocol are allowed during the first portion and only communications in the second protocol are allowed during the second portion, and further wherein the second protocol is prioritized between a first set of traffic and a second set of traffic; wherein the first type of device **supports IEEE 1394 isochronous traffic and IEEE 1394 asynchronous traffic** and the second type of device **supports Ethernet traffic.**

**Claim 19 and all of its dependent claims 20-23 and 25-28** are allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or suggest a switching device configured for coupling to two or more hub devices providing interfaces to one or more of a first type of device operating according to a first protocol and a second protocol and one or more of a second type of

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device operating according to only the second protocol, the switching device comprising:

- a. a plurality of ports, each port coupled to a corresponding hub device for interfacing with devices coupled to the corresponding hub device; and
- b. a control circuit coupled to the plurality of ports for sending a periodic signal which signals the start of a period having a first portion and a second portion, wherein only communications in the first protocol are allowed during the first portion and only communications in the second protocol are allowed during the second portion,

wherein the first protocol has priority over the second protocol, and further wherein the second protocol is prioritized between a first set of traffic and a second set of traffic, wherein the first type of device **supports IEEE 1394 isochronous traffic and IEEE 1394 asynchronous traffic** and the second type of device **supports Ethernet traffic.**

**Claim 29 and all of its dependent claims 30-34 and 36-39** are allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or suggest a network of devices comprising:

a switching device including:

- i. a plurality of ports; and
- ii. a control circuit coupled to the plurality of ports for sending a periodic signal which signals the start of a period having a first portion and a second portion, wherein only communications in a first protocol are

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allowed during the first portion and only communications in a second protocol are allowed during the second portion; and

b. a plurality of modified hub devices each including:

i. a first interface configured for coupling to and communicating with one or more of a first type of device operating according to the first protocol and the second protocol;

ii. a second interface configured for coupling to and communicating with one or more of a second type of device operating according to only the second protocol, wherein the first protocol has priority over the second protocol; and

iii. a third interface coupled to a corresponding one of the plurality of ports, and wherein the second protocol is prioritized between a first set of traffic and a second set of traffic;

wherein the first type of device **supports IEEE 1394 isochronous traffic and IEEE 1394 asynchronous traffic** and the second type of device **supports Ethernet traffic.**

**Claim 40** is allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or suggest a method of transmitting data within a network including one or more of a first type of device operating according to an isochronous protocol and an asynchronous protocol and one or more of a second type of device operating according to only the asynchronous protocol, wherein devices of the first type and devices of the second type communicate with each other within the network, comprising:

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- a. establishing a periodic cycle including a first portion and a second portion;
- b. allowing only transmissions according to the isochronous protocol during the first portion; and
- c. allowing only transmissions according to the asynchronous protocol during the second portion,

wherein the isochronous protocol has priority over the asynchronous protocol, and further wherein the asynchronous protocol is prioritized between a first set of traffic and a second set of traffic, wherein the first type of device **supports IEEE 1394 isochronous traffic and IEEE 1394 asynchronous traffic** and the second type of device **supports Ethernet traffic.**

**Claim 42** is allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or suggest a network of devices comprising:

- a. a switching device including:
  - i. a plurality of ports; and
  - ii. a control circuit coupled to the plurality of ports for sending a periodic signal which signals the start of a period having a first portion and a second portion, wherein only communications in an isochronous protocol are allowed during the first portion and only communications in an asynchronous protocol are allowed during the second portion; and
- b. a plurality of modified hub devices each including:

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i. a first interface configured for coupling to and communicating with one or more of a first type of device operating according to the isochronous protocol and the asynchronous protocol;

ii. a second interface configured for coupling to and communicating with one or more of a second type of device operating according to only the asynchronous protocol, wherein the isochronous protocol has priority over the asynchronous protocol; and

iii. a third interface coupled to a corresponding one of the plurality of ports, and further wherein the asynchronous protocol is prioritized between a first set of traffic and a second set of traffic;

wherein the first type of device **supports IEEE 1394 isochronous traffic and IEEE 1394 asynchronous traffic** and the second type of device **supports Ethernet traffic.**

**Claim 44** is allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or suggest a method of transmitting data within a network including one or more of a first type of device operating according to an isochronous protocol and an asynchronous protocol and one or more of a second type of device operating according to only the asynchronous protocol, wherein devices of the first type and devices of the second type communicate with each other within the network, comprising:

- a. establishing a periodic cycle including a first portion and a second portion;
- b. allowing only transmissions according to the isochronous protocol during the

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first portion; and

c. allowing only transmissions according to the asynchronous protocol during the second portion, wherein the isochronous protocol has priority over the asynchronous protocol, and further wherein the asynchronous protocol is prioritized between IEEE 1394-2000 asynchronous traffic and Ethernet traffic.

It is noted that all of the cited references taken individually or in combination fail to disclose the invention claimed in the independent claims. Namely, the cited references taken individually or in combination fail to teach the specific limitations in these independent claims reciting "...wherein only communications in the first protocol are allowed during the first portion and only communications in the second protocol are allowed during the second portion, and further wherein the second protocol is prioritized between a first set of traffic and a second set of traffic; wherein the first type of device supports IEEE 1394 isochronous traffic and IEEE 1394 asynchronous traffic and the second type of device supports Ethernet traffic.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to HABTE MERED whose telephone number is (571)272-6046. The examiner can normally be reached on Monday to Friday 9:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung S. Moe can be reached on 571 272 7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/  
Supervisory Patent Examiner, Art Unit 2416

/Habte Mered/  
Examiner, Art Unit 2416  
04-10-09